

Remarks

The instant Office Action dated September 19, 2008 lists the following rejections: claims 1-3, 5-7 and 9-12 stand rejected under 35 U.S.C. § 103(a) over the He reference (U.S. Patent No. 6,323,849) in view of the Duwaer reference (U.S. Patent No. 4,922,240); and claims 4, 8 and 13-14 stand rejected under 35 U.S.C. § 103(a) over He and Duwaer in further view of the Sarrasin reference (U.S. Patent No. 5,600,343). In the discussion set forth below, Applicant does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the § 103(a) rejection of claims 1-14 (each of which is based on He in view of Duwaer) because the modification of the He reference proposed by the Examiner would render He unsatisfactory for its intended purpose. *See, e.g.*, M.P.E.P. § 2143.01 (“If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)”). In this instance, the Examiner apparently¹ proposes to modify the He reference by placing an AND gate at the output of each stage of the shift register of He’s row driver 140, with the signal on reset line 113 being provided as an input to each AND gate. *See, e.g.*, Figure 1. A stated purpose of the He reference, however, is to reduce power consumption by using the reset line 113 to reset the shift registers of the row driver 140 before the full display is turned on (*i.e.*, by clearing the shift registers of data after only one-eighth or one-fourth of the lines in the display have been activated). *See, e.g.*, the Abstract and Col. 3:27-47. The Examiner’s proposed modification would result in the reset line 113 no longer being used to reset the shift registers of the row driver 140, thus, undermining He’s purpose of reducing power consumption by resetting the shift registers after only part of the display has been activated.

¹ Applicant notes that the Examiner has not specified the exact manner in which He’s row driver 140 is being modified, but instead has simply stated that Duwaer’s logic function (*i.e.*, AND gates 61-63) is to be incorporated in the row driver 140 and is to be supplied with the first control signal, which is alleged by the Examiner as being the signal on He’s reset line 113. *See, e.g.*, Pages 4-5 of the instant Office Action. Should the Examiner have envisioned some other (as of yet unidentified) combination of the He and Duwaer references, Applicant requests clarification and an opportunity to respond by way of a new non-final rejection. *See, e.g.*, M.P.E.P. § 706.07 (“Before final rejection is in order a clear issue should be developed between the examiner and applicant.”).

Moreover, Applicant submits the modification of the He reference proposed by the Examiner would change its principle of operation and teachings by removing the very thing which He has proposed as being its invention. *See, e.g.*, M.P.E.P. § 2143.01 (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).”). The purpose of the He reference, as discussed above, is to use the reset line 113 to reset the shift registers of the row driver 140 after only part of the display has been activated in order to reduce power consumption. *See, e.g.*, the Abstract and Col. 3:27-47. The Examiner’s proposed modification would result in reset line 113 no longer being used to reset the shift registers of the row driver 140, thereby changing the principle of operation of the He reference.

In view of the above, there is no motivation for the skilled artisan to modify the He reference in the manner proposed by the Examiner. Accordingly, the § 103(a) rejections of claims 1-14 are improper and Applicant requests that they be withdrawn.

Applicant respectfully traverses the § 103(a) rejection of claims 1-14 because the Examiner fails to provide a valid reason for the proposed modification of the He reference. This approach is contrary to the requirements of § 103 and relevant law. *See, e.g., KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (U.S. 2007) (“A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art.”). In this instance, He already provides a control circuit that controls both the row and the column drivers, and that can be used to turn off unused portions of the display when in a partial display mode. *See, e.g.*, the Abstract and Col. 3:27-47. One of skill in the art would not seek to add additional logic circuitry to the device of He when the functionality allegedly sought to be added is already present. Such a redundancy contradicts the reasons proffered by the Examiner for making the combination, namely to produce a system with a more compact size. Thus, Applicant submits that the Examiner’s reasoning attempts to modify He to address a problem that is already addressed by He. The requirement for providing a sufficient reason to combine references has been explained in specific examples through USPTO Board decisions and, in one such decision, the USPTO Board has opined that

there is no proper motivation to combine where the alleged purpose for combining is to address a problem that the prior art has already addressed. *See, e.g.*, www.iptoday.com/articles/2007-09-nowotarski.asp, which discusses numerous Board decisions in which Examiners' rejections were overturned, in view of *KSR*, due to lack of a sufficient reason to combine. Thus, as explained in such recent decisions, it is improper to combine references without any real motivation such as here, where a nonexistent problem is being addressed by the Examiner. Accordingly, the § 103(a) rejections of claims 1-14 are improper and Applicant requests that they be withdrawn.

Applicant further traverses the § 103(a) rejection of claim 6 because the cited combination does not correspond to aspects of the claimed invention directed to a column drive circuit, which includes control logic that generates the first control signal. The cited portions of the He reference teach that the signal on line 113 (*i.e.*, the Examiner's alleged first signal) is generated by control circuit 110 and that the signal on line 113 is provided to both the row driver 140 and the column driver 130. *See, e.g.*, Figure 1 and Col. 3:27-47. Thus, He does not teach that the column driver 130 includes the control logic that generates the first signal of the claimed invention (*i.e.*, He's control circuit 110, which generates the Examiner's alleged first signal, is not part of He's column driver 130). Accordingly, the § 103(a) rejection of claim 6 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Aaron Waxler, of NXP Corporation at (408) 474-9063 (or the undersigned).

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